

In re Application of: Peter ASSAF et al
Serial No.: 10/555,664
Filed: November 4, 2005
Office Action Mailing Date: October 7, 2008

Examiner: Sun Jae Y. Loewe
Group Art Unit: 1626
Attorney Docket: 30724

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 6, 17, 32-75 are pending in this case. Claims 34-64 have been withdrawn from further consideration as being drawn to a non-elected invention. Claims 6, 17, 32, 33 and 65-75 have been examined on the merits with the elected species being within the scope as indicated in Section 4 of the Office Action dated January 4, 2008. Claims 34-64 have been canceled herewith. Claim 6 has been amended herewith.

Claim objections

The Examiner has stated that the examination was limited to the scope denoted in Section 4 of the Office Action dated January 4, 2008 and that currently, because the generic claims remain rejected, prosecution is limited to this scope, with other species being withdrawn from further consideration. The Examiner has noted that Applicant will be entitled to rejoinder and consideration of the withdrawn species upon allowability of the generic claims. The Examiner has therefore stated that claims 6, 17, 32, 33 and 65-75 remain objected to for containing non-elected subject matter.

Claim 6 has been amended so as to overcome the Examiner's rejection, as detailed hereinbelow Re: 35 U.S.C. § 112, Second Paragraph Rejection.

Applicant has chosen, in order to expedite prosecution, to cancel claims 34-64.

Accordingly, Applicant strongly believes that in view of the amendment made herewith the claims are allowable with respect to the elected species and hence, as the Examiner has noted, examination of the claims in their generic context, and with respect to all the species recited therein, is requested respectfully.

Applicant believes to have overcome the Examiner's objection.

35 U.S.C. § 112, Second Paragraph Rejection

The Examiner has stated that claim 6 and dependent claims 17, 32, 33 and 65-75 remain rejected under U.S.C. § 112, Second Paragraph, over the terms "residue" and "naturally occurring metabolite". Claim 6 has been amended.

Specifically, claim 6 has been amended so as to no longer recite the terms

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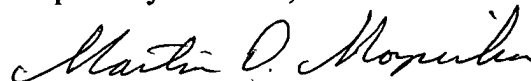
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"residue" and "naturally occurring metabolite".

Applicant therefore believes to have overcome the Examiner's rejection.

In view of the above amendments and remarks it is respectfully submitted that amended claim 6 and claims 17, 32, 33 and 65-75 depending therefrom, are now in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: February 9, 2009

Enclosures:

- Petition for Extension (One Month)